

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

|                                       |   |                                      |
|---------------------------------------|---|--------------------------------------|
| NOVARTIS PHARMACEUTICALS CORP.,       | ) |                                      |
| NOVARTIS CORP., and NOVARTIS AG,      | ) |                                      |
|                                       | ) |                                      |
| Plaintiffs,                           | ) | Civil Action No: 2:06-cv-04125 (FSH) |
| v.                                    | ) |                                      |
|                                       | ) | STIPULATIONS REGARDING               |
| ROXANE LABORATORIES, INC.             | ) | SECONDARY CONSIDERATIONS             |
|                                       | ) |                                      |
| Defendant.                            | ) |                                      |
|                                       | ) |                                      |
| NOVARTIS PHARMACEUTICALS CORP.,       | ) |                                      |
| NOVARTIS CORP., and NOVARTIS AG,      | ) |                                      |
|                                       | ) |                                      |
| Plaintiffs,                           | ) | Civil Action No: 2:06-cv-04178 (FSH) |
| v.                                    | ) |                                      |
|                                       | ) | STIPULATIONS REGARDING               |
| TARO PHARMACEUTICALS U.S.A., INC. and | ) | SECONDARY CONSIDERATIONS             |
| TARO PHARMACEUTICAL INDUSTRIES LTD.,  | ) |                                      |
|                                       | ) |                                      |
| Defendants.                           | ) |                                      |
|                                       | ) |                                      |
| NOVARTIS PHARMACEUTICALS CORP.,       | ) |                                      |
| NOVARTIS CORP., and NOVARTIS AG,      | ) |                                      |
|                                       | ) |                                      |
| Plaintiffs,                           | ) | Civil Action No: 2:06-cv-04199 (FSH) |
| v.                                    | ) |                                      |
|                                       | ) | STIPULATIONS REGARDING               |
| BRECKENRIDGE PHARMACEUTICAL, INC.     | ) | SECONDARY CONSIDERATIONS             |
|                                       | ) |                                      |
| Defendant.                            | ) |                                      |
|                                       | ) |                                      |
| NOVARTIS PHARMACEUTICALS CORP.,       | ) |                                      |
| NOVARTIS CORP., and NOVARTIS AG,      | ) |                                      |
|                                       | ) |                                      |
| Plaintiffs,                           | ) | Civil Action No: 2:06-cv-04200 (FSH) |
| v.                                    | ) |                                      |
|                                       | ) | STIPULATIONS REGARDING               |
| TEVA PHARMACEUTICALS USA, INC.        | ) | SECONDARY CONSIDERATIONS             |
|                                       | ) |                                      |
| Defendant.                            | ) |                                      |
|                                       | ) |                                      |

## STIPULATIONS REGARDING SECONDARY CONSIDERATIONS

1. Whereas, Novartis asserts the secondary consideration of unexpected results in this case, but it does not assert, and commits not to rely on, any other objective indicium of non-obviousness in this case;

2. Whereas, defendants' document requests seek Novartis documents relating to unasserted secondary considerations and, e.g., "all" Novartis documents concerning the sales and marketing of "any" oxcarbazepine product;

3. Whereas, Novartis has represented to defendants that defendants' document requests call for the production of millions of pages of Novartis documents; and

4. Whereas, the parties have discussed, and have agreed to, a stipulation in lieu of the production of Novartis documents responsive to defendants' document requests;

NOW THEREFORE, the parties, through their counsel, hereby agree and stipulate as follows:

A. For purposes of this action only, there was no skepticism or doubt expressed about the subject matter claimed in the '525 patent.

B. For purposes of this action only, there was no long-felt need met by any subject matter claimed in the '525 patent.

C. For purposes of this action only, there was no commercial success of any product embodying any subject matter claimed in the '525 patent.

D. For purposes of this action only, there was no failure of others to develop a product embodying any subject matter claimed in the '525 patent.

E. For purposes of this action only, there were no awards, praise, recognition or honors received by Novartis concerning any subject matter claimed in the '525 patent.

F. For purposes of this action only, there has been no teaching away from the subject matter claimed in the '525 patent.

G. Nothing in the foregoing paragraphs A through F would preclude Novartis from presenting evidence relevant to its asserted unexpected results of color stability and avoidance of food effect attributable to the subject matter claimed in the '525 patent.

Dated: September 26, 2007

s/ Henry J. Renk

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